

from other sources, the rules are not complete in themselves, but refer to Acts or other rules; in these cases the necessity of such reference has been obviated by incorporating the provisions referred to, *i.e.*, in the case of interpleader and parties. (*b.*) The number of rules devoted to the subject of execution, as already explained. (*c.*) The incorporation of the rules as to probate, matrimonial clauses, and summary procedure on bills of exchange.

18. The Sub-Committee felt some hesitation as to incorporation of the Act as to summary procedure on bills of exchange, but as the provisions of the Act are of great importance, and are affected in some measure by the code, the Sub-Committee felt that the code would be incomplete unless this was done. As the Act itself is one which has proved very successful in practice, your Sub-Committee have made only such verbal alterations as were necessary to bring the Act into accord with the code.

19. The Sub-Committee are of course aware that many points must have escaped their notice, and that the provisions as to others may prove insufficient. To meet this contingency, they have inserted Rule No. 600, which has been adapted from the provisions of the Prussian code on the same point.

20. The Sub-Committee have not prepared a complete schedule of forms, considering that it was unadvisable to undertake this work, or to incur the expense of printing, till the code had received the approval of the Commission, and also that the members of the Commission will be able to judge for themselves as to the nature of the forms required. The Sub-Committee intend, however, to have some, at least, of the more important forms ready in draft by the time the Commission meets, and these can be printed and laid before the members for consideration, if required.

21. The Sub-Committee have, after careful consideration of the subject, not seen any way to provide for settlement of issues before trial. Provision has, however, been made allowing a Judge at the trial to put to the jury issues agreed on by the parties, or framed by himself.

22. The Sub-Committee wished to have an opportunity of revising the code carefully before preparing the last two rules, bearing on (*a.*) the rules not to apply to local Courts; and (*b.*) the interpretation of terms. These rules will, however, be submitted in print to the Commission when it meets.

23. When the code is brought into force it will be necessary, either at once or as soon as possible, to pass a consolidation Act dealing with all the Courts of civil jurisdiction in the colony, for the purpose of defining their jurisdiction, and other matters not properly coming within the scope of a code of procedure. The Sub-Committee have given as much attention to this matter as the time at their disposal would allow, and expect to have the scheme, if not the actual draft, of such an Act ready by the time the Commission meets.

24. The Sub-Committee have found it impossible to frame rules for the Court of Appeal until the portion of the consolidation Act dealing with this subject has been prepared.

25. In conclusion, the Sub-Committee have to express their regret that they have been unable to circulate the code among the members of the Commission at an earlier date. It has, however, proved impossible to get it completed with greater expedition. Indeed, it has only been by very great exertion that they have been able to get it finished in time for the impending meeting of the Commission.

R. STOUT.

A. HOLMES.

Dunedin, 5th May, 1881.